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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/395,935	09/14/1999	HIROAKI KOSEKI	991014	6682
38834	7590	10/20/2005	EXAMINER	
WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036			JERABEK, KELLY L	
			ART UNIT	PAPER NUMBER
			2612	

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/395,935

Applicant(s)

KOSEKI ET AL.

Examiner

Kelly L. Jerabek

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 28 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**13-21 and 28

- 4) ☒ Claim(s) 1-9 and ~~18-20~~ is/are pending in the application.
- 4a) Of the above claim(s) 2-9, 13-21 and 28 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25 is/are allowed.
- 6) ☒ Claim(s) 1, 23-24, and 26-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1, 23-24, and 26-27 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 23-24, and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson US 6,177,958 in view of Hatano US 2003/0133035.

Re claim 1, Anderson discloses in figure 3 an image pickup apparatus capable of taking images of the same object at a plurality of different exposure amounts defined as Salient images. The Salient images are combined to generate a single image having a wide dynamic range. Anderson also discloses an image capture method shown in

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figures 11A and 11B comprising a mode control means (1402, 1406) for selecting between a normal image taking mode of generating image data from one frame, and a means of producing a wide dynamic image having proper exposure (1407) (col. 9, line 66-col. 11, line 32). If the user selects a forced wide dynamic range-taking mode (manual SSC mode (1408)) the user may force a generation of a wide dynamic range synthesized image by selecting a salient still capture mode (1418) or the user may capture a single image of one frame by selecting a user override event (1419) (col. 10, line 61-col. 11, line 5). The user also has the option of selecting an automatic wide dynamic range-taking mode (SSC automatic mode (1407)) for generating a wide dynamic range synthesized image automatically (col. 10, lines 1-10 and 29-40). Although the Anderson reference discloses an automatic wide dynamic range-taking mode, it fails to state that the automatic wide dynamic range-taking mode automatically controls ON/OFF of generation processing of a wide dynamic range, synthesized image by determining based at least on an information set for the image taking among object information or information set for the image taking whether it is suitable for wide dynamic range image taking or not.

Hatano discloses in figure 1 a camera (100) capable of taking images at a plurality of different exposure amounts and generating a wide dynamic range synthesized image by synthesizing image signals corresponding to a plurality of frames of different exposure amounts (page 1, paragraph 12, page 2, paragraphs 32-39). Hatano also discloses an automatic wide dynamic range taking control means (202,203,207) for automatically controlling ON/OFF of generation processing of a wide

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dynamic range, synthesized image by determining based on information set for image taking (motion vector) whether it is suitable for wide dynamic range image taking or not (page 3, paragraph 40). Therefore, it would have been obvious for one skilled in the art to have been motivated to include motion vector circuits (203,207) for controlling ON/OFF of generation processing of a wide dynamic range, synthesized image as disclosed by Hatano in the image pickup apparatus including an automatic wide dynamic range-taking mode as disclosed by Anderson. Doing so would provide a means for provide an image pickup apparatus capable of picking up an image with a broad dynamic range without an image shift (Hatano: page 1, paragraphs 11-12).

Re claim 23, Hatano discloses a motion detecting section (203) for detecting motion in the object to be taken and ON/OFF of the generation processing of a wide dynamic range synthesized image is controlled based on the output of the motion detecting section (203) (page 3, paragraph 40).

Re claim 24, Hatano states that the motion detecting section (203) detects motion by comparing the motion vectors of each pixel of the different images to be synthesized (page 3, paragraph 40). The different images are sequentially picked up at different exposure amounts. Therefore, it can be seen that some images will have short-time exposure image data and some images will have long-time exposure data.

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Re claim 26, Hatano states that a comparison circuit compares a threshold value with motion information to judge whether the motion of each pixel is caused by hand vibration (page 5, paragraphs 85-86). Therefore, it can be seen that the motion detecting section (203) is capable of detecting camera shake.

Re claim 27, Hatano discloses a camera drive circuit (105) that can set an optimum shutter speed (information set for image taking) (page 3, paragraph 52).

***Allowable Subject Matter***

Claim 25 allowed.

The following is an examiner's statement of reasons for allowance:

Re claim 25, the prior art of record fails to teach or suggest " An image pickup apparatus comprising: an image pickup means..., means for generating a wide dynamic range, synthesized image..., an automatic wide dynamic range taking control means..., an motion detecting section...; and an autofocus (AF) circuit, wherein said motion detecting section detects motion in the object based on AF signal from said AF circuit".

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

***Contacts***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kelly L. Jerabek whose telephone number is (571) 272-7312. The examiner can normally be reached on Monday - Friday (8:00 AM - 5:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ngoc Yen Vu can be reached on (571) 272-7320. The fax phone number for submitting all Official communications is 703-872-9306. The fax phone number for submitting informal communications such as drafts, proposed amendments, etc., may be faxed directly to the Examiner at (571) 273-7312.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KLJ

  
NGOC-YEN VU  
PRIMARY EXAMINER